

**TOWN COUNCIL  
REGULAR MEETING  
SEPTEMBER 1, 1999**

**1. PLEDGE OF ALLEGIANCE**

The meeting was called to order at 7:03 p.m. by Mayor Venis and was followed by the Pledge of Allegiance.

**2. ROLL CALL**

Present were Mayor Venis, Vice-Mayor Bush and Councilmembers Cox, Paul and Weiner. Also present were Town Administrator Middaugh (arrived 7:05 p.m.), Town Attorney Webber, and Town Clerk Reinfeld recording the meeting.

**3. OPEN PUBLIC MEETING**

Mayor Venis advised the speakers of the Open Public Meeting procedures.

Tom Truex, 4740 SW 72 Avenue, stated that the Griffin Road project and the 1997 election had convinced him to take more of an active role in the Town. He expressed his belief that he was trying to be constructive in the issues he had been discussing. Mr. Truex felt that Davie was a beautiful area in which to work, had a good Town staff and excellent parks and trails. He summarized a vision for the new millennium and indicated that it was his personal belief that the Town's leadership was lacking. He announced that he would be running for Mayor in the year 2000.

Dean Alexander, 13820 SW 16 Street, expressed concern with regard to a lack of civility and common courtesy being displayed with some of the people who were purveyors of information within the community. He noted several incidents of ludicrous and sometimes laughable incidents, to some being vicious and defamatory. Mr. Alexander referenced an article in Mr. Truex's newsletter regarding a disagreement with the City of Sunrise's control and supply of water to many residents and the lack of participation by the Davie Water Advisory Board to solve a future water supply crisis in the State. He indicated that for the past two years, the Board had been intensely involved with establishing a uniform, central reporting process for handling and tracking consumer water complaints against the five water providers. Additionally, the Board had compiled results from an extensive survey to determine specific areas of complaint including color, taste, smell and water pressure.

Rich Dominguez, 11930 SW 9 Manor, was present on behalf of the Village of Lake Pines Homeowners' Association. He noted the tremendous efforts to improve the complex within the last few years, which made the community a better place to live and which had increased the property values. Mr. Dominguez advised of problems with the construction of the Westwind project including major Code violations and expressed concern with regard to possible future violations. He noted the effect upon the community, including a decrease in property values. Mr. Dominguez requested that Council assist in resolving this matter and to oversee this project in the future.

Mayor Venis advised of negotiations with the developer that would hopefully produce positive results. Mr. Middaugh indicated that staff would be contacting Mr. Dominguez to discuss the concerns and to come to a solution.

Douglas Vizzini, 855 SW 118 Terrace, reiterated Mr. Dominguez's concerns relative to the Westwind project and referenced the Declaration of Restrictive Covenants for the Westwind project between Westwind Contracting, Broward County, and the Town dated February 13, 1998. The Use Restrictions included a pitch-tile roof to simulate a residential

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appearance, the building height to be a maximum of 16 feet, and setbacks to be 25 feet from the property line. Mr. Vizzini further noted that at the May 26, 1998 rezoning hearing in which the Town approved the rezoning of the property from residential to commercial, there was discussion concerning a ten-foot landscaping buffer setback, an eight-foot continuous masonry wall, and a 25-foot setback to the building. He felt the spirit of the agreement, minutes, and the tape show the intention of the Use Restrictions on the property were to have little impact on the surrounding properties. Mr. Vizzini thanked Council for being supportive and addressing this matter in a timely fashion.

Arthur Joseph, 13700 SW 18 Court, recommended that Council consider hiring a full-time labor relations specialist and expressed concern for the relationship with the Town's labor relations. Furthermore, he felt it was inappropriate for Mr. Webber to sue Jean Messler and Ellen Christopher with regard to the Teen Challenge matter. It was his belief that Mr. Webber was acting on behalf of the Town and any action taken against these individuals should be on a Town level, not a personal level. Mr. Joseph expressed his disappointment with regard to the Joint Powers Agreement and felt it was "a ball of wax". He further expressed his belief that the Town's firefighters, not the County personnel, should service the western portion of the Town. Mr. Joseph complimented the Oak Hill residents for their efforts to organize meetings and cautioned them to not be "bought out" by false promises.

Scott Brandon, 886 SW 120 Way, was present and reiterated the aforementioned concerns relative to the Westwind project. He complimented the Town on its efforts to improve the area; however, there were numerous problems with the construction area.

David London, 3720 SW 61 Avenue, discussed an electronic ballgame umpire system that was developed; however, it was used for a military purpose in World War II and not in baseball. He suggested consideration might be given to utilizing this system in the future.

Lisa Edmondson, 4311 SW 93 Avenue, addressed Councilmember Weiner's comments from the last Council meeting regarding release and distribution of public records and the fact that letters that he had written had become public knowledge very quickly. She stated that in Councilmember Weiner's pursuit in trying to lay blame or thinking that there was a grand conspiracy against him and working diligently to alienate his peers and co-workers, he showed how foolish his actions had been. Ms. Edmondson referenced public records requests that were made for two letters written by Councilmember Weiner dated July 23rd and July 25th. She noted that a complaint had been filed against Councilmember Weiner with the State of Florida Ethics Commission on July 30, 1999. Ms. Edmondson indicated that she had spent numerous hours that week in the Town Clerk's Office requesting documentation and this Office was obligated to show her everything and was under no constraints to allow Councilmember Weiner documents to "ripen" until he felt that an appropriate amount of time had lapsed. Upon receipt of the "head bobbing letter" and the letter to the Attorney General making accusations against Vice-Mayor Bush and the aforementioned letters, she was so "appalled and disgusted" that she had immediately notified other Town activists. She questioned why if Councilmember Weiner insisted that all e-mails and correspondence directed to him be copied to the Town, that he did not feel the need to provide a copy of the letter he had sent to the Department of Legal Affairs regarding other Councilmembers dining together. Ms. Edmondson indicated that Councilmember Weiner apparently thought enough to bring it up verbally but did not feel the public needed to know why the Attorney General's Office had "brushed the matter off" and gave the letter no credence. She advised that she was

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distressed that Councilmember Weiner was wasting tax dollars by taking staff time away from their duties to "chase imaginary demons."

Deborah Gross, 3506 NW 79 Way, was present on behalf of the Board of Directors of Las Palmas Community. She expressed concern with regard to a proposed development to the west of this community and a wall that would be six feet in height. It was her understanding that the development was to have a sporting complex and possibly a shopping center. Ms. Gross noted that the power of attorney was received from the Police Department and questioned how this would effect their community. Mayor Venis requested Director of Development Services Mark Kutney to assist in this matter.

Ollie Star, 312 SW 15 Street - Dania, expressed appreciation to Fire Chief Michael Donati for assisting in the United Way Campaign.

Michael Davenport, 14041 SW 22 Place, announced that the next Crime Watch meeting would be held on September 30th at the Police Department. He noted that Mayor Venis would open the meeting and Police Chief John George and Mr. Middaugh would be the speakers. Additionally, Mr. Davenport referenced an article in the Davie Economic Forum which Mr. Kutney and Building Official Tom Willi were highlighted, showing the results of their efforts in their Department.

#### **4. PRESENTATIONS**

##### **4.1 Davie Tigers Champions**

Mayor Venis introduced Coach Dennis Headley and presented plaques to each member and coach of the team. Coach Headley presented the Town with the championship trophy and each Councilmember with a signed baseball for their support.

##### **4.2 Homestead Exemption Outreach Program - Rocky Rodriguez, Deputy Director, Broward County Property Appraiser's Office**

Rocky Rodriguez advised that applications for homestead exemption would be accepted at Town Hall on September 21st, October 27th, and November 8th, from 11:00 a.m. to 1:00 p.m. Additionally, applications would be accepted at the Pembroke Pines Office at 1021 Taft Street on September 2nd, September 8th, September 9th, September 13th, and September 14th, from 9:00 a.m. to 3:00 p.m.

Mr. Rodriguez extended an invitation to attend a GIS monument project dedication in honor of the Forman family on September 10, 1999 at 12:00 p.m. at Broward Community College.

##### **4.3 Davie/Cooper City Chamber of Commerce**

Peter Thompson, representing the Chamber, updated Council on the Chamber's efforts.

##### **4.4 Upcoming Special Events - Bonnie Stafiej and Sharon Pierce-Kent**

Bonnie Stafiej, Special Projects Coordinator, advised that upcoming events included: Labor Day events (September 4th - 6th); bullriding series (September 11th); Gold Coast agility handling classes (beginning September 7th); and September Country Craft Show (September 18th-19th).

Bette Stark, Recreation Supervisor, announced that upcoming events included: soccer registration (beginning October 13th); roller hockey registration (beginning October 13th); Davie Bronco's football and cheerleading squads (September 4th); senior citizens fall picnic

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(October 7th); and special instruction classes (beginning in the fall).

**4.5 Reese Road Update**

Assistant Town Administrator Robert Rawls advised of meetings with Shell Oil Company/Texaco and indicated that there had been an agreed upon amount of \$40,000. He felt that a conclusion would be reached within the next 30 days or he would requesting approval to move forward with the existing circumstances.

Mayor Venis advised that items 8.25 and 10.12 needed to be tabled to September 15, 1999. Councilmember Paul made a motion, seconded by Vice-Mayor Bush, to table. In a voice vote, all voted in favor. (Motion carried 5-0)

Mayor Venis announced that item 10.2 had been withdrawn by staff.

Mayor Venis indicated that item 10.11 needed to be tabled to October 6, 1999.

Councilmember Paul made a motion, seconded by Councilmember Cox, to table. In a voice vote, with Councilmember Weiner voting in opposition, all voted in favor. (Motion carried 4-1)

**5. MAYOR/COUNCILMEMBERS COMMENTS  
MAYOR VENIS**

Mayor Venis wished everyone a happy school year and a happy Labor Day.

**LIBRARY.** Mayor Venis reported that the library at Hiatus Road and State Road 84 was not in jeopardy at this time. A memorandum was received with a recommendation to move forward with the project and an opinion had been received indicating that the Nova Library did not have any affect on this decision.

**NOVA DRIVE.** Mayor Venis noted that there would be a meeting held on September 7, 1999 with the Nova Drive residents and the traffic issues would be discussed.

**SIGNALIZATION.** Mayor Venis advised that the signal was anticipated to be installed on Shot Gun Road and 14th Street on September 23rd. The signal should be functional by the end of the month.

**NEXT COUNCIL AGENDA.** Mayor Venis requested that the Davie Elementary Shelter Project and policy changes be placed on the next agenda.

**VICE-MAYOR BUSH**

**VACATION.** Vice-Mayor Bush reported that he had just returned from a vacation in upper New York.

**LABOR DAY SPLASH.** Vice-Mayor Bush extended a challenge for a game of horseshoes at the Labor Day events. He wished everyone a happy holiday.

**COUNCILMEMBER COX**

**BIKE TOUR.** Councilmember Cox advised of a bicycle tour that she had given of the Town to Broward County's staff. She noted that Commissioner Parrish had advised that there monies were available to move forward with the trail system.

**SW 70TH AVENUE.** Councilmember Cox expressed her surprise that Councilmember Weiner had obtained a draft copy of a letter which he had represented that she had written

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and had sent to her neighbors. In an investigation, Mr. Middaugh had discovered that the secretary printed one copy of the draft letter with the word "draft" written across the top in blue ink, clipped the draft letter to the petitions, and placed it on Councilmember Cox's desk in her locked office for review. Councilmember Cox explained that she had never seen the draft letter and that it was removed from her locked office without her knowledge and without the benefit of a public record's request. The secretary identified the document that Councilmember Weiner had submitted to Town Clerk Reinfeld as being the original copy. She felt it was important to advise her fellow Councilmembers that documents were being removed from her locked office without benefit of public record's requests or her knowledge.

Councilmember Cox requested support from Council to ask Mr. Middaugh to resolve this situation. Furthermore, she questioned how Councilmember Weiner had obtained the hard copy of the draft letter that was placed on her desk.

#### **COUNCILMEMBER WEINER**

**DRAFT LETTER.** Councilmember Weiner responded to Councilmember Cox that the letter was on his desk and he questioned how it wound up in his office as he did not have a key to her office and he hoped that she did not have a key to his. He concurred with her efforts to find out where the problem lies.

Councilmember Weiner indicated that he did not do anything intentionally to embarrass anyone and advised that he had made it a part of the public record since he could not speak with Councilmember Cox prior to a Council meeting. Councilmember Weiner explained that he had received something in his office, brought it to the Council meeting, and submitted it to the Town Clerk. He affirmed that the document had "draft" written on it in blue ink and supported an effort to have Mr. Middaugh investigate how documents were being distributed throughout Town Hall.

**PUBLIC RECORD'S REQUEST.** Councilmember Weiner advised of a public record's request from Ms. Stern regarding socializing and possibly discussing Council issues. It was his belief that at the time of this issue, he had spoken with Patricia Gleason from the Attorney General's Office. He pledged to make the letter available, if there was such a letter, to Ms. Stern and any other individual who wanted a copy. Councilmember Weiner indicated that Lisa Edmondson had recently made a request and everything had been produced the same day. He added that he would be glad to make everything available from March 10, 1998.

**AQUACULTURE FUND.** Councilmember Weiner indicated that there would be a substantial loss this year, in excess of \$100,000. He requested that this matter be placed on an upcoming agenda.

**FRANCHISE AGREEMENT.** Councilmember Weiner noted that the Southern Bell franchise had expired July 31, 1999. He advised that Mr. Middaugh and Programs Administrator Will Allen were working to resolve this issue and to capitalize on the changes in telecommunication. Councilmember Weiner cautioned that the active franchises needed to be addressed prior to expiration.

**WESTFAIR.** Councilmember Weiner requested the continued support of Westfair be placed on a future agenda. Documentation was produced showing the Town's minimal support and that the Town would be losing a minimum \$42,000. He would like to review another event with the Davie/Cooper City Chamber of Commerce whereby the Town would not be losing money.

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**RECYCLABLES/TRASH.** Councilmember Weiner would be making a report from Susan Dean available to Mr. Joseph in which the possibility of monies being refunded was reviewed.  
**WELCOME BACK.** Councilmember Weiner welcomed Ed and Carol Kaplan back.

Ms. Stafiej introduced the Canine Companions who would like the Town to assist in sponsoring an event at the arena which would take place in February.

Jay Falder, Regional Board Member for Canine Companions and Local President, presented an overview of the program and introduced Ginger Insel who was Chairperson for the Paws for Applause event.

Ms. Insel introduced Canine Companion Sam and noted that last year, the Police and Fire Departments had assisted with dog demonstrations.

8.12 Councilmember Paul made a motion, seconded by Vice-Mayor Bush, to approve item 8.12. In a voice vote, all voted in favor. (Motion carried 5-0)

**COUNCILMEMBER PAUL**

**POOL PARTNERSHIP AGREEMENT.** Councilmember Paul advised of a request from Ms. McCann to investigate a partnership agreement with other municipalities to utilize their pool while the Pine Island Park's pool was closed for repairs. She noted that Jim Romano from the City of Plantation, had agreed to allow Davie residents to use the Central Park Pool from September 13th until November 13th for the same fee as Plantation residents. In addition, she indicated that Cooper City was reviewing this issue, however, no answer had been received.

**CENTRAL BROWARD CONSERVATION DISTRICT.** Councilmember Paul explained that the Central Broward Conservation District, in conjunction with the County, would begin Phase I of the Oak Hill Drainage Project beginning September 20th. She stated that she would provide more details of these plans at the September 15th Council meeting. Councilmember Paul indicated that notification to the families affected would be forthcoming and the construction would last approximately 150 days.

**GOLF TOURNAMENT.** Councilmember Paul announced that she had played golf on behalf of the Soroptimists and had won a prize at the tournament.

**SPAGHETTI DINNER AND AUCTION.** Councilmember Paul announced that the e Fraternal Order of Police Association would be hosting a dinner and auction on September 15th at St. David's Church.

**6. TOWN ADMINISTRATOR'S COMMENTS**

**STRUCTURAL INSPECTORS.** Mr. Middaugh advised that the problems caused by the lack of structural inspectors were due to a variety of reasons. He explained that every effort was being made to temporarily fill those positions.

**BILLBOARD AMENDMENT LETTER.** Mr. Middaugh advised of a request to consider amending the billboard ordinance to permit two more billboards along the Florida Turnpike to benefit the EASE Foundation. He asked for Council's direction.

Councilmember Paul spoke in opposition to additional billboards; however, she felt the only redeeming factor was that the EASE Foundation would benefit. She questioned whether there would be any immediate assistance to the Foundation since capital portions of the

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investment would have to be paid. Councilmember Paul expressed concern that another organization might make an additional request. She pledged to assist in raising funds, if needed.

Mayor Venis indicated that he was not in favor of changing the ordinance. He noted that there currently were ten billboards in place and he was not in favor of all of them. Mayor Venis also pledged to assist in raising funds, if needed.

Councilmember Weiner noted that he had spoken with Mr. Truex within the last few days regarding this issue. He expressed his preference that there be no billboards in the Town and he was in opposition to another billboard.

Councilmember Cox advised that the EASE Foundation would receive \$8,000 a year until the capital investment was paid. At that time, the proceeds would be split 49 and 51 percent and the revenues for these additional billboards would be greater than the other group of billboards. She stated that she had previously voted in favor of the three along I-595 and had voted against all the others. Councilmember Cox added that she had tried to impress on the applicant the fact that billboards belonged on the Turnpike and in the industrial areas which were far more appropriate.

Mayor Venis requested that a letter be drafted to advise that Council was opposed to the request.

**7. TOWN ATTORNEY'S COMMENTS**

**LITIGATION.** Mr. Webber provided an update on litigation in which the Town was involved: Bar-B Ranch; Orendello; SW 142nd Avenue; Sunrise; 175/185 funds; Coastal Carting; Statewide Towing; LDG/DOT; and Rowar's.

**STREET VENDORS.** Mr. Webber advised that a meeting was being scheduled with representatives from the Broward Sheriff's Office to discuss this matter.

**8. CONSENT AGENDA**

*Minutes*

- 8.1 July 21, 1999 - Regular Meeting
- 8.2 August 4, 1999 - Regular Meeting

*Proclamations*

- 8.3 International Day of Peace (September 21, 1999)
- 8.4 United Nations Day (October 24, 1999)
- 8.5 National POW/MIA Recognition Day (September 18, 1999)

*Home Occupational Licenses*

- 8.6 John Rosado, 14031 SW 20 Street

*Resolutions*

- 8.7 **EXTENDING BID - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA,**  
R-99-269 **EXTENDING THE BID FOR TEMPORARY SERVICES-BLUE COLLAR**  
**WORKERS. (Tri-State Employment, Western Staffing, and Temporary Labor**  
**Source)**

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- 8.8  
R-99-270      **EXTENDING BID** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, EXTENDING THE BID FOR TEMPORARY SERVICES-WHITE COLLAR WORKERS. (Tri-State Employment, and Atrium Personnel Corporation)
- 8.9  
R-99-271      **GRANT FUNDS** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE APPLICATION FOR TWELFTH YEAR RECYCLING GRANT FUNDS FROM BROWARD COUNTY. (\$12,884 - no match required)
- 8.10  
R-99-272      **GRANT FUNDS** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE APPLICATION FOR WASTE TIRE GRANT FUNDS FROM BROWARD COUNTY, AND PROVIDING FOR AN EFFECTIVE DATE. (Playground equipment - \$55,300 in grant funds; \$45,000 in matching funds)
- 8.11  
R-99-273      **GRANT PURCHASE** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE PURCHASE OF LAPTOP COMPUTER AND RELATED HARDWARE AND SOFTWARE, PER RESOLUTION R-98-21, APPROVING THE APPLICATION AND AWARD OF THE COPS MORE 98 GRANT FOR TECHNOLOGY AND EQUIPMENT. (Software Corporation of America - \$102,850)
- 8.12  
R-99-274      **AGREEMENT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE TOWN OF DAVIE TO ENTER INTO AN AGREEMENT BETWEEN CANINE COMPANIONS AND THE TOWN OF DAVIE. (February 19 - 20, 1999; fee to be waived)
- 8.13  
R-99-275      **AGREEMENT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE TOWN OF DAVIE TO ENTER INTO AN AGREEMENT WITH THE XENTEL FOR THE RENTAL OF THE BERGERON RODEO GROUNDS OF DAVIE, FLORIDA. (December 3, 1999; rental fee - \$1,525)
- 8.14  
R-99-276      **CONTRACT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT WITH ULTIMATE POOLS, INC. TO RESURFACE THE POOLS AT PINE ISLAND PARK. (\$112,416)
- 8.15  
R-99-277      **MITIGATION PLAN** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, SUPPORTING THE DAVIE COMMUNITY REDEVELOPMENT AGENCY'S REQUEST FOR FOUR CANARY ISLAND DATE PALM TREES AT THE DAVIE ROAD BRIDGE QUADRANTS



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- 8.16  
R-99-278      **SUBDIVISION PLAT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA APPROVING THE POSNACK CAMPUS PLAT, AND AUTHORIZING THE MAYOR AND TOWN CLERK TO ACKNOWLEDGE SUCH APPROVAL BY AFFIXING THE MAYOR'S SIGNATURE AND THE TOWN SEAL TO SUCH PLAT; AND PROVIDING AN EFFECTIVE DATE. (P 5-2-99, Posnack Campus Plat, 5801 SW 82 Avenue) *Planning and Zoning Division recommended approval subject to the planning report; Planning and Zoning Board recommended approval subject to the planning report*
- 8.17  
R-99-279      **PLAT REVISION** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING A REVISION TO THE RESTRICTIVE NOTE OF THE "ICE PLAT", AND PROVIDING AN EFFECTIVE DATE. (DG 7-2-99, 12451 Orange Drive)
- 8.18  
R-99-280      **ACTUARIAL SERVICES** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, SELECTING THE FIRM OF WILLIAM MERCER, INC. TO PROVIDE ACTUARIAL SERVICES. (William Mercer Consulting)
- 8.19  
R-99-281      **HOLIDAYS** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, APPROVING THE HOLIDAYS TO BE OBSERVED BY THE TOWN OF DAVIE FOR FISCAL YEAR 1999-2000; AND PROVIDING AN EFFECTIVE DATE.
- 8.20  
R-99-282      **INTERLOCAL AGREEMENT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, APPROVING THAT CERTAIN INTERLOCAL AGREEMENT FOR THE CREATION OF THE BROWARD COUNTY METROPOLITAN PLANNING ORGANIZATION; PROVIDING FOR THE APPROVAL AND EXECUTION OF THE INTERLOCAL AGREEMENT; AND PROVIDING FOR AN EFFECTIVE DATE.
- 8.21  
R-99-283      **AGREEMENT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING A LICENSING AGREEMENT WITH SRI STRATEGIC RESOURCES, INCORPORATED, FOR PARKS AND RECREATION SOFTWARE AND RELATED SERVICES. (SRI Strategic Resources, Incorporated - \$ 58,500)
- 8.22  
R-99-284      **INSURANCE RENEWAL** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING RENEWAL OF THE TOWN'S AGREEMENT WITH THE FLORIDA LEAGUE OF CITIES, INC., FOR LIABILITY, PROPERTY, AND WORKERS' COMPENSATION INSURANCE; AND RENEWAL OF INSURANCE POLICIES SECURED FOR THE TOWN BY THE FLORIDA LEAGUE OF CITIES, INC. (October 1, 1999 to September 30, 2001)
- 8.23  
R-99-285      **AGRICULTURAL EXEMPTIONS** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, CONCERNING THE PROPOSED AMENDMENT TO RULE 12D-1.002 F.A.C., DEFINITION OF 'LIVESTOCK' PURSUANT TO S. 193.461 F. S., AGRICULTURAL CLASSIFICATION

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**8.24 R-99-286 LIEN SUBORDINATION - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, SUBORDINATING THE LIEN OF THE TOWN OF DAVIE ON PROPERTY OWNED BY JOLMY ENTERPRISES, INC. WITH RESPECT TO CERTAIN MORTGAGE INDEBTEDNESS AND PROVIDING AN EFFECTIVE DATE.**

**8.25 PURCHASE - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, APPROVING THE PURCHASE CONTRACT BETWEEN THE TOWN OF DAVIE AND THE SCHOOL BOARD OF BROWARD COUNTY, FLORIDA, FOR PURCHASE OF THE OLD DAVIE SCHOOL SITE, BROWARD COUNTY SCHOOL SITE NO. 009.0; AND PROVIDING AN EFFECTIVE DATE.**

Mayor Venis asked that item 8.14 be removed from the Consent Agenda. Councilmember Weiner asked that items 8.18 and 8.22 be removed.

Councilmember Paul made a motion, seconded by Councilmember Weiner, to approve the Consent Agenda without items 8.14, 8.18 and 8.22 [item 8.25 was tabled earlier in the meeting]. In a voice vote, all voted in favor. (Motion carried 5-0)

8.14 Mayor Venis questioned the exact process in which the pool would be remarcited which Ms. Starke explained. She advised that the Health Department was requiring that the children's pool be remarcited.

Councilmember Cox made a motion, seconded by Vice-Mayor Bush, to approve item 8.14. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Bush - yes; Councilmember Cox - yes; Councilmember Paul - yes; Councilmember Weiner - yes. (Motion carried 5-0)

8.18 Councilmember Weiner expressed concern with regard to an actuary being located locally. Budget and Finance Director Christopher Wallace indicated that the previous firm's location was in Tampa and advised that most of his contact with the actuary was over the phone. He explained the reasons why an actuary was being sought.

Councilmember Weiner made a motion, seconded by Councilmember Paul, to approve Item 8.18. In a voice vote, all voted in favor. (Motion carried 5-0)

8.22 Councilmember Weiner questioned why bids were not sought. Town Clerk Reinfeld noted that a bid was obtained approximately two years ago. Councilmember Weiner questioned what other municipalities were paying for this service. Town Clerk Reinfeld responded that she did not know this information, and after a review of the agreement, the insurance consultant had felt the 7% increase was competitive.

Vice-Mayor Bush made a motion, seconded by Councilmember Cox, to approve item 8.22. In a voice vote, with Councilmember Weiner in opposition, all voted in favor. (Motion carried 4-1)

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**9. PUBLIC COMMENTS**

*Ordinances - First Reading (Public Hearing to be held on September 15, 1999)*

- 9.1 **CODE AMENDMENT** - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, AMENDING ARTICLE II OF CHAPTER 26 OF THE CODE OF DAVIE ENTITLED "TREE PRESERVATION" BY PROVIDING FOR MORE STRINGENT TREE SPECIFICATIONS, SHORTER EXPIRATION PERIODS FOR TREE REMOVAL PERMITS, NEW FEE SCHEDULE FOR PAYMENTS INTO THE TREE PRESERVATION FUND IN LIEU OF TREE REPLACEMENT, AND ADDITIONAL MEASURES TO INSURE TREE PROTECTION AND SURVIVABILITY DURING THE CONSTRUCTION PROCESS, AMENDING ARTICLE III ENTITLED "TREE ABUSE"; PROVIDING FOR MORE STRINGENT TREE AND PALM PRUNING STANDARDS AND THE ADDITION OF A NEW TREE REPLACEMENT FEE AND EVALUATION SCHEDULE; PROVIDING SEVERABILITY AND AN EFFECTIVE DATE.

Town Clerk Reinfeld read the ordinance by title.

Mayor Venis asked if anyone wished to speak for or against the ordinance. As no one spoke, the public comment was closed.

Councilmember Cox made a motion, seconded by Councilmember Weiner, to approve. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Bush - out of room; Councilmember Cox - yes; Councilmember Paul - yes; Councilmember Weiner - yes. (Motion carried 4-1)

- 9.2 **SALE OF FIREWORKS** - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, ALLOWING FOR THE SALE OF LEGAL FIREWORKS FOR A TWO WEEK PERIOD COMMENCING TWO WEEKS PRIOR TO JANUARY 1, 2000 IN HONOR OF THE NEW MILLENNIUM; PROVIDING FOR A FEE FOR LICENSES TO SELL SAID FIREWORKS; PROVIDING FOR FEE EXEMPT LICENSES; PROVIDING FOR A BOND TO ASSURE CLEAN UP OF SALES AREA; PROVIDING FOR APPROVAL OF TOWN COUNCIL; PROVIDING FOR RESTRICTION OF LOCATION OF FIREWORKS SALES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

Town Clerk Reinfeld read the ordinance by title.

Mayor Venis asked if anyone wished to speak for or against the ordinance.

Edna Moore, 6553 Stirling Road, spoke in favor of the ordinance.

Mayor Venis closed the public hearing portion of the meeting.

Councilmember Cox made a motion, seconded by Councilmember Weiner, to approve. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Bush - yes; Councilmember Cox - yes; Councilmember Paul - yes; Councilmember Weiner - yes. (Motion carried 5-0)

**10. PUBLIC HEARINGS**

Mayor Venis opened the public hearing portion of the meeting.

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*Ordinances - Second and Final Reading*

- 99-29      10.1      **COMPREHENSIVE PLAN AMENDMENT** - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, ADOPTING APPLICATION LA(TXT)99-3A AMENDING THE TOWN OF DAVIE COMPREHENSIVE PLAN BY CHANGING THE FUTURE LAND USE ELEMENT TEXT TO CLEARLY IDENTIFY FUTURE LAND USE DESIGNATIONS WHICH PERMIT PUBLIC SCHOOLS, AND TO ESTABLISH CRITERIA FOR COLLOCATION OF PUBLIC SCHOOLS WITH OTHER COMMUNITY FACILITIES SUCH AS PARKS, LIBRARIES AND COMMUNITY CENTERS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Town Clerk Reinfeld read the ordinance by title.

Mayor Venis asked if anyone wished to speak for or against the ordinance. As no one spoke, the public hearing was closed.

Councilmember Paul made a motion, seconded by Vice-Mayor Bush, to approve. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Bush - yes; Councilmember Cox - yes; Councilmember Paul - yes; Councilmember Weiner - yes. (Motion carried 5-0)

- 10.2      **EASEMENT** - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, VACATING A PORTION OF ROAD RIGHT-OF-WAY AND EASEMENTS FOR A PORTION OF NW 38th STREET, AND PROVIDING AN EFFECTIVE DATE. (VA 4-1-99, located approximately 330 feet east of NW 74 Avenue)

This item was withdrawn by staff earlier in the meeting.

- 99-30      10.3      **REZONING** - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, CHANGING THE CLASSIFICATION OF CERTAIN LANDS WITHIN THE TOWN OF DAVIE FROM A-1, AGRICULTURAL DISTRICT TO CF, COMMUNITY FACILITY DISTRICT; AMENDING THE TOWN ZONING MAP TO COMPLY THEREWITH; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. (ZB 5-3-99, 5801 SW 82 Avenue)

Town Clerk Reinfeld read the ordinance by title.

Mayor Venis asked if anyone wished to speak for or against the ordinance. As no one spoke, the public hearing was closed.

Councilmember Paul questioned whether this request was for vacant land and whether there was a structure on the property. It was her understanding that at the time this issue was brought forward under the quasi-judicial item, the property was vacant and the structure had been removed. The staff report indicated there was a structure on the property in association with a nursery use.

Robert Legg, representing the petitioner, advised that the structure had been removed.

Councilmember Weiner made a motion, seconded by Councilmember Cox, to approve. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Bush - yes; Councilmember Cox - yes; Councilmember Paul - yes; Councilmember Weiner - yes. (Motion carried 5-0)

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- 10.4 **AMENDMENT - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA,**  
99-31 **AMENDING ORDINANCE NO. 87-36 OF THE TOWN OF DAVIE BY**  
**AMENDING SECTION 3 THEREOF ENTITLED "WASTE FLOW CONTROL";**  
**CREATING AN EXCLUSION FROM FLOW CONTROL RESTRICTIONS FOR**  
**SOLID WASTE GENERATED WITHIN THE TOWN OF DAVIE WHICH IS**  
**SHOWN TO BE DESTINED FOR TRANSPORTATION TO ANY**  
**DESTINATION OUTSIDE THE STATE OF FLORIDA; PROVIDING FOR**  
**SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.**

Town Clerk Reinfeld read the ordinance by title.

Mayor Venis asked if anyone wished to speak for or against the ordinance. As no one spoke, the public hearing was closed.

Councilmember Cox made a motion, seconded by Councilmember Weiner, to approve. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Bush - yes; Councilmember Cox - yes; Councilmember Paul - yes; Councilmember Weiner - yes. (Motion carried 5-0)

*Ordinance - First Reading (Public Hearing tentatively scheduled for December 1999)*

- 10.5 **COMPREHENSIVE PLAN AMENDMENT - AN ORDINANCE OF THE TOWN**  
**OF DAVIE, FLORIDA APPROVING COMPREHENSIVE PLAN AMENDMENT**  
**LA(TXT)99-4B, AMENDING THE TOWN OF DAVIE COMPREHENSIVE**  
**PLAN BY REVISING PROVISIONS RELATING TO SPECIAL RESIDENTIAL**  
**FACILITIES; AMENDING THE SCOPE OF SPECIAL RESIDENTIAL FACILITIES**  
**PROVIDED FOR IN THE TOWN; REPLACING THE TERM "SPECIAL**  
**RESIDENTIAL FACILITY" WITH THE TERM "SPECIAL RESIDENTIAL**  
**HOME"; AMENDING AND SIMPLIFYING PROVISIONS PERTAINING TO**  
**OCCUPANCY, LOCATION, ELIGIBLE RESIDENTS AND FACILITY TYPE;**  
**DELETING UNNECESSARY DEFINITIONS; PROVIDING FOR**  
**SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.** *Local*  
*Planning Agency recommended that the Town Council transmit the proposed*  
*amendment to the Department of Community Affairs at its September 1, 1999*  
*meeting*

Town Clerk Reinfeld read the ordinance by title. Mayor Venis advised that a public hearing on item 10.5 would be held in December 1999.

Mayor Venis asked if anyone wished to speak for or against the ordinance.

Ellen Christopher, 3666 West Valley Green Drive, was present and expressed concern with regard to the Amendment. She noted in June 1996, the Town suspended a Site Plan and/or started a moratorium for special residential facilities in order to review how these facilities were approved in the Town. Subsequently, after extensive research by staff, it was determined that the Code and Comprehensive Plan should be changed. Afterwards, in November 1997, Council was told that the Code should be changed in order to mirror State Statutes. Upon being challenged, Ms. Christopher was told that the State Statutes needed to be adopted. On July 1, 1998, Council was told that the alternative to extending the moratorium was to move forward and adopt the Florida State Statutes. Upon being challenged, staff tabled the amendment several times and subsequently, it was withdrawn in January 1999. It was her

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belief that the Code had always complied with State Statutes. She expressed her concern with regard to this issue and questioned the reasons why the ordinance was being changed. She requested that this item be tabled until all the questions were answered.

Jean Messler, 13300 SW 29 Street, was present in opposition to the Amendment. She expressed concern with regard to the Amendment eliminating the licensing requirement; however, the Town must allow persons with disabilities protected under the Federal Fair Housing Act to live in special residential homes regardless of whether they are licensed by the Department of Children and Family Services or other agencies. She asked several questions with regard to the Amendment and cautioned Council to review the validity of the changes.

Mayor Venis closed the public hearing.

Mr. Kutney read comments that were made by the American Planning Association in 1989 regarding the Fair Housing Amendment Act and summarized the article. He advised that the article was very comprehensive and referred to other regulations which were permitted. Mr. Kutney stated that he had received an e-mail from the Department of Community Affairs, and upon review, the Department had found that the changes were acceptable and consistent with Statutes 163 and 419 and 9-J-5 FAC. He noted that the Fair Housing Act and the County's regulations must be followed and with regard to the licensing, staff was trying to indicate that there was no licensing required by the Town.

Councilmember Paul questioned how the unrelated persons issue would be handled. Mr. Kutney responded that the law would not affect related persons. Councilmember Cox commented that the intent of the law was that if you were unrelated, you could live together assuming that if you were related, the law would not apply. Councilmember Weiner felt that related persons could be an issue if foster children were placed in a home in which there were several unrelated persons. He suggested that the ordinance address this issue as being incidental to the operation of the home. Mr. Kutney responded that this would be addressed under the scope of the Land Development Code Regulation as opposed to the Plan Amendment.

Councilmember Weiner questioned whether the references to licensing could remain and if there was an exclusion in which they would be exempted or preempted by State or Federal Law. Mr. Kutney advised that that the licensing issue could be revisited in the Land Development Code.

Councilmember Cox questioned how the density relative to the bedrooms would be handled and how an existing structure would be affected by the proposed change. Mr. Kutney explained that up to eight people were considered one unit as per County standards. A Group II would be considered from 9 to 16 people and a Group III classification was addressed by the number of bedrooms and number of beds in a bedroom.

Councilmember Paul questioned why this was permitted in a commercial zoning district. Mr. Kutney responded that a larger facility was a compatible type usage.

Mayor Venis reopened the public hearing.

Ms. Christopher questioned why the Code had to be amended to incorporate the Fair Housing Act that was established approximately 10 years ago. Mr. Kutney explained that this had been an ongoing issue for the past three years and had been a concern of the Town. It was his belief that numerous entities were reviewing how this would be addressed in the future. Mr. Kutney noted that it was staff's belief due to a number of inconsistencies, it was in the best interest of the Town to revise the Code and the plan from a planning and legal standpoint.

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Councilmember Weiner questioned whether the Town was in compliance with the Fair Housing Act or if it was the intent to make the Plan and the Code consistent. Mr. Webber responded that one did not know whether one was in compliance until one was sued and indicated that there was no approval process. He noted that this particular section of the Code had been reviewed extensively along with the Federal Law and after review, it had been determined that the Code must be amended to be in compliance with the Fair Housing Act. Because of litigation and review of the Code, it was determined that the Code's inconsistency needed to be corrected and addressed.

Mayor Venis recommended that Mr. Kutney review what occurred two years ago at the workshop that was attended by Senator Forman.

Councilmember Weiner questioned if there would be any ramifications if this item was tabled. Mr. Kutney responded that if this item was not transmitted, the adoption would be made in the year 2000 versus 1999. Councilmember Weiner questioned whether it was possible to have an adoption by the DCA in 1999. Mr. Kutney responded that it was unlikely to get a 1999 adoption if not approved tonight.

Councilmember Cox felt it was unfortunate that some municipalities had the attitude "if it ain't broke, don't fix it;" however, the Town had lost a lawsuit and subsequently found serious problems that need to be rectified. It was her understanding that the Code did not address the real issues and she would like to move forward. If the DCA or Town did not find the Amendment adequate, that portion could be addressed at that time.

Mr. Kutney advised that the County would also be reviewing the Amendment and clarified the process the Town would have to take if the Amendment was not acceptable.

Councilmember Cox made a motion, seconded by Vice-Mayor Bush, to move item 10.5 forward. In a roll call vote, the vote was as follows: Mayor Venis - no; Vice-Mayor Bush - yes; Councilmember Cox - yes; Councilmember Paul - no; Councilmember Weiner - no. (Motion failed 3-2)

Councilmember Weiner made a motion, seconded by Councilmember Paul, to table item 10.5 until the next meeting [September 15, 1999] and direct staff to provide additional information to Council as well as to review minutes and/or notes from the applicable workshops. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Bush - yes; Councilmember Cox - out of room; Councilmember Paul - yes; Councilmember Weiner - yes. (Motion carried 4-0)

*Resolution*

**10.6 FIRE RESCUE ASSESSMENT - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, RELATING TO THE PROVISION OF FIRE RESCUE SERVICES, FACILITIES AND PROGRAMS IN THE TOWN OF DAVIE, FLORIDA; REIMPOSING FIRE RESCUE ASSESSMENTS AGAINST ASSESSED PROPERTY LOCATED WITHIN THE TOWN OF DAVIE FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 1999; APPROVING THE RATE OF ASSESSMENT; APPROVING THE ASSESSMENT ROLL; AND PROVIDING AN EFFECTIVE DATE.**

Town Clerk Reinfeld read the resolution by title.

Mayor Venis asked if anyone wished to speak for or against the resolution.

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Ellen Christopher, 3666 West Valley Green Drive, questioned whether special residential homes would be a separate category for the assessment. Mr. Wallace advised that these facilities would have an assessment; however, he was not sure how they would be categorized or the amount of an assessment. He noted that none of the methodology or the rate of assessment had been changed.

Mayor Venis closed the public hearing.

Vice-Mayor Bush made a motion, seconded by Councilmember WEINER, to approve. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Bush - yes; Councilmember Cox - yes; Councilmember Paul - yes; Councilmember Weiner - yes. (Motion carried 5-0)

*Quasi Judicial Items*

**10.7 REZONING** - ZB 7-1-99, Davie Builders L.L.C./Loecher, Jr., Gross, Alpha Baptist Church, Inc., Galletta, Janica and Bell, 5230 Pine Island Road (from A-1 to R-5 and CF) Planning and Zoning Division recommended approval subject to the planning report; Planning and Zoning Board recommended approval of the amended application [condition of amended application: the petitioner limit 50% of the total number of units to three bedrooms or less; the request for 18 reserve units subject to the restrictive covenants limiting the property to 81 dwelling units; and, approval of variance V 7-2-99]

Mr. Webber explained the rules concerning the admission of evidence. Town Clerk Reinfeld swore in the witnesses. Mr. Kutney advised that his qualifications were on file in the Administrative Services Department and read the planning report.

Barbara Hall, Mark Stelnick, Mel Rappaport, and Reverend Ralph Button, representing the petitioner, were present. Ms. Hall displayed an aerial photograph and provided an overview of the site plan.

Councilmember Paul questioned whether there was an existing agricultural use. Ms. Hall responded that there were nurseries on some of the properties.

Mr. Webber asked if anyone wished to provide testimony in favor of or opposition to the rezoning.

Ralph Button, 5235 SW 82 Avenue, spoke in favor.

James Snyder, 3081 SW 54 Avenue, spoke in favor.

Mr. Webber stated that the hearing was concluded.

Councilmember Weiner noted that he had spoken with Ms. Hall approximately two weeks ago and added that Broward County Commissioner Scott Cowan had relayed his belief that this would be a good project. Councilmember Cox advised that she had met with Ms. Hall and Mr. Rappaport with regard to the development and was apprised of their plans and added that Commissioner Cowan also had relayed his recommendation that this would be a good project. Vice-Mayor Bush disclosed that he had spoken with the three principals present tonight and also with Commissioner Cowan. Mayor Venis noted that he had also spoken with the three principals present tonight along with Commissioner Cowan.

With regard to Policy 17.2, Councilmember Paul questioned why there would not be a request for a land use plan change. Mr. Kutney commented that it was a timing issue with regard to the plan amendment. By virtue of the County's rules, this process was permitted in this matter relative to the flex rules. He confirmed that a small scale amendment had been presented to Council for approval and had included the church separation.



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Councilmember Weiner made a motion, seconded by Vice-Mayor Bush, to approve subject to the recommendations of staff and the Planning and Zoning Board. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Bush - yes; Councilmember Cox - no; Councilmember Paul - no; Councilmember Weiner - yes. (Motion carried 3-2)

- 10.8 **VARIANCE** - V 7-1-99, Davie Builders L.L.C./Loecher, Jr., Gross, and Bell, 5230 Pine Island Road (A-1) (to reduce the required separation requirement from 2,500 feet to 660 feet) *Planning and Zoning Division recommended approval; Planning and Zoning Board recommended approval subject to the planning report*

Town Clerk Reinfeld swore in the witnesses. Mr. Kutney read the planning report.

Barbara Hall, representing the petitioner, concurred with Mr. Kutney and noted that the existing site for the church did not meet the distance requirements.

Mr. Webber asked if anyone wished to provide testimony in favor of or opposition to the variance.

Ralph Button, 5235 SW 82 Avenue, spoke in favor.

Mr. Webber stated that the hearing was concluded.

Councilmember Weiner noted the same disclosures as cited in the aforementioned application.

Councilmember Cox made a motion, seconded by Councilmember Weiner, to approve. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Bush - yes; Councilmember Cox - yes; Councilmember Paul - yes; Councilmember Weiner - yes. (Motion carried 5-0)

- 10.9 **VARIANCE** - V 7-2-99, Davie Builders L.L.C./Loecher, Jr., Alpha Baptist Church, Inc., Galletta, and Janica, 5230 Pine Island Road (A-1) (to reduce the minimum lot area from 7,000 square feet to 6,000 square feet, to reduce the minimum lot frontage from 75 feet to 60 feet, and to reduce the minimum side setback from 10 feet to 7.5 feet) *Planning and Zoning Division recommended denial; Planning and Zoning Board recommended denial*

Town Clerk Reinfeld swore in the witnesses. Mr. Kutney read the planning report and explained staff's recommendation.

Barbara Hall, representing the petitioner, disagreed with staff and explained the request. She committed to a minimum average of 6,700 square feet and indicated that the minimum lot size was 6,000 square feet.

Mr. Webber asked if anyone wished to provide testimony in favor of or opposition to the variance.

Ralph Button, 5235 SW 82 Avenue, spoke in favor of the application.

Mr. Webber stated that the hearing was concluded.

It was noted that the prior disclosures relative to Councilmembers speaking with individuals applied to this petition.

Vice-Mayor Bush made a motion, seconded by Councilmember Weiner, to approve subject to the planning report and the additional commitment of an average lot size of 6,700 square feet and a minimum of 6,000 square feet. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Bush - yes; Councilmember Cox - no; Councilmember Paul - no; Councilmember Weiner - yes. (Motion carried 3-2)

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- 10.10 **VARIANCE - V 7-3-99, William Laystrom - BGL Ltd./Helbar Investment Corp., 13290 State Road 84 (B-2) (to reduce the required parking from 52 parking spaces to 19 parking spaces)** *Planning and Zoning Division recommended approval; Planning and Zoning Board recommended approval subject to the Town Attorney reviewing the deed restriction to ensure the facility will be used as a self-storage facility and nothing else*

Town Clerk Reinfeld swore in the witnesses. Mr. Kutney read the planning report.

Bill Laystrom, representing the petitioner, explained the variance. He advised that the deed restriction permitted B-1 uses or B-2 uses; however, the only B-3 use that was permitted was self-storage facility. Mr. Laystrom stated that if any other use was constructed, the required parking would be met.

Mr. Webber asked if anyone wished to provide testimony in favor of or opposition to the variance. No one spoke.

Mr. Webber stated that the hearing was concluded.

Councilmember Cox made a motion, seconded by Councilmember Paul, to approve. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Bush - yes; Councilmember Cox - yes; Councilmember Paul - yes; Councilmember Weiner - yes. (Motion carried 5-0)

*Items to be tabled*

- 10.11 **STAFF REQUESTING A TABLING TO OCTOBER 6, 1999 AS COUNCIL TABLED FIRST READING TO SEPTEMBER 15, 1999**

CODE AMENDMENT - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, AMENDING CHAPTER 2, ARTICLE III OF THE TOWN CODE BY ADDING THERETO SECTION 2-43 ENTITLED "DUTIES OF COUNCILMEMBERS"; REITERATING AND CLARIFYING DUTIES PROVIDED FOR BY LAWS OF THE STATE OF FLORIDA AND THE CHARTER OF THE TOWN OF DAVIE; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

This item was tabled earlier in the meeting.

- 10.12 **COUNCIL CAN TABLE TO SEPTEMBER 15, 1999 (COUNCIL ORIGINALLY TABLED TO SEPTEMBER 15, 1999; HOWEVER, STAFF INADVERTENTLY READVERTISED TO SEPTEMBER 1, 1999)**

VARIANCE - V 6-1-99, Synalovski Gutierrez Architects, Inc./EDJ Enterprises, 1305 SW 101 Road (A-1)

This item was tabled earlier in the meeting.

Mayor Venis closed the public hearing portion of the meeting.

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**11. SITE PLANS**

- 11.1 SP 6-8-99, Restaurant Court @ Rolling Hills (Building 1, Buca di Beppo Restaurant - Building Footprint and Elevation), 3315 South University Drive (B-2) (tabled from August 18, 1999) *Planning and Zoning Division recommended subject to the planning report; Site Plan Committee recommended approval subject to the planning report*

Manny Synalovski, representing the petitioner, was present. Mr. Kutney read the planning report.

Mr. Synalovski advised that he had met with Vice-Mayor Bush in advance of this meeting and had made a presentation to him. He explained the site plan and displayed a photograph of the sign which was included in the proposal.

Councilmember Cox expressed her belief that this proposed building had been improved; however, she was not pleased with the colors.

Councilmember Weiner questioned whether Mr. Synalovski or the petitioner had employed anyone to assist in conferring with any of Council. Mr. Synalovski replied in the negative.

Councilmember Weiner made a motion, seconded by Councilmember Paul, to approve with the changes presented by Mr. Synalovski provided that the plan presented tonight was the plan that goes through the building process. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Bush - yes; Councilmember Cox - yes; Councilmember Paul - yes; Councilmember Weiner - yes. (Motion carried 5-0)

- 11.2 SP 1-3-99, Parcel "A" S&Z Subdivision, northwest corner of State Road 84 and 71st Terrace (CC) *Planning and Zoning Division recommended approval subject to the planning report; Site Plan Committee recommended approval subject to the planning report items one through eight*

Al Cohen and Frank Shears, representing the petitioner, were present. Mr. Kutney read the planning report.

Mr. Cohen indicated that he concurred with the report; however, he was not able to review comments one through eight in the planning report.

Councilmember Cox made a motion, seconded by Councilmember Weiner, to approve with the Planning and Zoning recommendation, the planning report including items 1-8. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Bush - yes; Councilmember Cox - yes; Councilmember Paul - yes; Councilmember Weiner - yes. (Motion carried 5-0)

- 11.3 SP 6-1-99, Creative Child Learning Center "Nob Hill Village", 1305 SW 101 Road (B-3) *Planning and Zoning Division recommended approval subject to the planning report; Site Plan Committee's approved subject to the planning report and amending the report by adding the following item three: subject to the approval of the parking variance and approval of the rezoning*

Manny Synalovski, representing the petitioner, was present. Mr. Kutney read the planning report. He advised that there was a variance that Council would be hearing on September 15, 1999 relating to parking.

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Mr. Synalovski indicated that he concurred with the staff report. He displayed photographs of a prototype building, a copy of the site plan for the proposed building and a rendering of the proposed building.

Councilmember Cox made a motion, seconded by Councilmember Weiner, to approve. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Bush - yes; Councilmember Cox - yes; Councilmember Paul - yes; Councilmember Weiner - yes. (Motion carried 5-0)

**12. APPOINTMENTS**

12.1 Parks and Recreation Advisory Board (one exclusive appointment - Mayor Venis and Vice-Mayor Bush) (term August 1999 to July 2000)

Vice-Mayor Bush appointed Corey Johnson. Mayor Venis appointed Joette Longi

12.2 Child Safety Board (two exclusive appointments per Councilmember; members shall reflect, to the greatest extent possible, interest and expertise in the following areas: law enforcement, elementary school instruction, child psychology, pediatric medicine, parenthood and grandparenthood) (term August 1999 to July 2000)

Councilmember Cox appointed Kathleen Bleier and Doreen Hixon. Mayor Venis appointed Lil Olfern and deferred his second appointment to the next meeting. Vice-Mayor Bush and Councilmembers Weiner and Paul deferred their appointments to the next meeting.

12.3 Education, Research and Training Authority (appointment needs to be a citizen of the Town and should have an interest in promoting the education complex) (term October 1, 1999 to September 30, 2000)

Mayor Venis expressed his interest in continuing on the Authority.

Councilmember Weiner nominated Mayor Venis which was seconded by Councilmember Paul. There were no other nominations. In a voice vote, all voted in favor. (Motion carried 5-0)

**13. OLD BUSINESS**

There was no old business to be discussed.

**14. NEW BUSINESS**

14.1 Schedule Special Meeting for Executive Session - Town of Davie vs. City of Sunrise, Case No. 98-018324 CACE (14) - September 15, 1999 at 6:00 p.m.

It was the consensus of Council to schedule the Executive Session for September 15, 1999 at 6:00 p.m.

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**14.2 Special Legal Counsel for Amendments to Comprehensive Plan and Code**

**LEGAL SERVICES - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE TOWN TO RETAIN THE LEGAL SERVICES OF BURKE, WEAVER & PRELL, IN CONNECTION WITH AMENDMENTS TO THE COMPREHENSIVE PLAN AND CODE REGARDING GROUP HOMES AND OTHER RELATED FACILITIES.**

Mr. Middaugh requested that Council address the possibility of hiring outside counsel relating to the processing of the Zoning Code amendment for the Group Home Code Amendment. He explained that there was some tension between some residents and Mr. Webber and by removing Mr. Webber, the proposal could be focused on rather than the conflict. He commented that he felt this was no reflection on Mr. Webber's abilities and noted the specialization of this type of law and felt that outside expertise would be useful.

Councilmember Paul commented that she felt badly that part of the problem was the activists and she understood that the issue needed to be the focus rather than the conflict. It was her belief that Mr. Webber had worked on this issue and was very familiar with the Code. Councilmember Paul felt it was a consideration if Mr. Webber felt that outside counsel's specific expertise would be beneficial to the Town. She suggested that the Town consider expert attorney's when certain situations occurred.

Mr. Webber explained that outside counsel would have the benefit of the background work that had been completed and assured Council that his office had the expertise to complete this work. Mayor Venis questioned who would draft the amendments. Mr. Webber responded that staff had always compiled the amendments and that outside counsel would review the documents.

Councilmember Weiner expressed his objection to the perception that the residents could be, or were, challenging the whole issue and that this service was not being delivered for fear that they were going to attack Mr. Webber and destroy the issue. He objected to "shipping" out the work to an outside firm and questioned why bids were not obtained from other attorneys. Mr. Webber advised that he had no relationship with this firm and noted that the firm was recommended by the Florida League of Cities attorney. He explained that the proposed firm had worked for the Town in the past and added that he did not object to requesting bids.

Mayor Venis asked what rate would be charged. Mr. Webber responded that Ms. Strauss' time would be charged at a rate of \$175 per hour with the other attorney's rates being \$145 and \$125 per hour. He estimated that the billing time would not be extensive and the concept would be to review staff's work, provide comments and assist in Council's efforts.

Councilmember Cox questioned whether the rates were competitive. Councilmember Weiner commented that the rates were low for the private sector, but not for the public sector. He indicated that it was his understanding that the rates for municipalities ranged from \$125 to \$150 per hour. Councilmember Cox asked what the Town was paying for Weiss and Serota. Mr. Webber responded that he believed the charge was a blended rate of \$165 per hour.

Councilmember Cox stated that Council had no confidence to vote on an ordinance which was prepared by staff. She agreed with Mr. Webber that this issue needed to be given to outside. Councilmember Cox advised that she had worked previous with Ms. Stroud and found her to be very good. She indicated that personalities were involved and the attacks

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were personal. Councilmember Cox stated that this was why she had requested that Ms. Christopher not send her any more personal attacks regarding Mr. Webber because it took the objectivity out of her position.

Vice-Mayor Bush made a motion, seconded by Councilmember Cox, to approve.

Mayor Venis stated that the proposed firms location was in Boca Raton and indicated that he would like to see proposals from Broward County firms provided by the next meeting. Mr. Middaugh responded that the location was not as important as the level of expertise and this expertise may not be found in Broward County. Councilmember Weiner added that he was also interested in receiving proposals from other firms.

In a roll call vote, the vote was as follows: Mayor Venis - no; Vice-Mayor Bush - yes; Councilmember Cox - yes; Councilmember Paul - no; Councilmember Weiner - no. (Motion failed 3-2)

**15. ADJOURNMENT**

There being no objections or further business, the meeting was adjourned at 11:56 p.m.

APPROVED \_\_\_\_\_

\_\_\_\_\_  
Mayor/Councilmember

\_\_\_\_\_  
Town Clerk